

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 TERRY L. DEN ADEL, *et al.*,

9 Plaintiffs,

10 v.

11 WELLS FARGO BANK N.A., *et al.*,

12 Defendants.
13

No. C11-0212RSL

ORDER DENYING MOTION TO
AMEND


14 On July 11, 2011, the Court granted in part plaintiff's motion for leave to file a
15 third amended complaint in this litigation. See Dkt. # 43. After reviewing all of the proposed
16 claims, the Court determined that only two of them would be permitted to proceed. Plaintiffs
17 were directed to file and serve a third amended complaint containing only the "Erroneous
18 Default" and "Declaratory Relief" claims substantially as set forth in the proposed pleading,
19 Dkt. # 36. Plaintiffs have not done so. Instead, they filed another motion for leave to amend
20 seeking to assert at least eight (and possibly twelve) causes of action in addition to a version of
21 the "Erroneous Default" claim. Dkt. # 46-51.

22 This action has been pending since February. In the intervening months, plaintiffs
23 have filed six versions of their complaint, not all of which became operative. Defendants,
24 meanwhile, filed a series of motions to dismiss the complaints that were preempted or undone
25 by subsequent amendments. Earlier this month, the Court reviewed plaintiffs' most recent
26 complaint and specified which claims could be asserted and which would be futile. Plaintiffs

1 were not authorized to rewrite their complaint yet again. The Court finds that, even after
2 considering plaintiffs' *pro se* status, there is no justification for further revision of their
3 complaint.
4

5 For all of the foregoing reasons, the most recent motion for leave to amend (Dkt.
6 # 46) is DENIED and the proposed complaint filed on July 22, 2011, is STRICKEN. The
7 Clerk of Court is directed to docket document # 36-1 as the "Third Amended Verified
8 Complaint for Negligence." That document is now the operative pleading in this matter, but
9 Counts 1, 3, 4, and 6 have already been dismissed. The only remaining claims are those
10 entitled "Erroneous Default" and "Declaratory Relief."
11

12 Dated this 29th day of July, 2011.

13 
14 Robert S. Lasnik
15 United States District Judge
16
17
18
19
20
21
22
23
24
25
26